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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,427	02/19/2000	John Marks	10991105-1	1388

22879 7590 05/16/2005

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FORT COLLINS, CO 80527-2400

EXAMINER

HO, ANDY

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/507,427

Applicant(s)

MARKS ET AL.

Examiner

Andy Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-10, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 11-14 and 17-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. This action is in response to the amendment filed 11/19/2004.
2. Claims 1-17 and 19-21 have been examined and are pending in the application.

***Allowable Subject Matter***

3. Claims 1-7 are allowed.
4. Claims 11-14 and 17-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

- (i) the locally generated events (line 8 claim 8). Correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldszmidt U.S Patent No 6,195,680 in view of Fernstrom U.S Patent No. 5,550,827.

**As to claim 8**, Goldszmidt teaches a method having input events (multimedia streaming files, lines 51-52 column 12) associated with a local application (321, Fig. 3d) that are shared (video and audio clips are streamed from standard HTTP Web server 321, lines 14-15 column 13) with a corresponding remote application (354, Fig. 3d) during a collaborative communication session, comprising:

communicating a current state of a local window tree and transmit events responsive to the local window tree (based on the state at the server to communicate the request, lines 40-48 column 6);

transmitting said input events to be shared from said local application (video and audio clips are streamed from standard HTTP Web server 321, lines 14-15 column 13) wherein the input events are injected into the corresponding remote application such that it appears as if the locally generated events were generated by input devices

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attached to the corresponding remote application (client can be directly connected to the server to receive the events, lines 22-23 column 5);

providing a local application sharing logic (network interface of server 320, Fig. 3d) configured to receive said input events to be shared (multimedia streaming files, lines 51-52 column 12). Goldszmidt does not explicitly teach echo events.

Fernstrom teaches a system of transmitting data packet wherein echo events are generated and inserted with the data packet and being sent to a receiving node (flags RF which may be inserted or added at any place inside a data packet which is being forwarded to a receiving unit, lines 20-22 column 4). It would have been obvious to apply the teachings of Fernstrom to the system of Goldszmidt because this allows the sending node to control the flow of data to the receiving node after receiving the data received knowledge from the receiving node as disclosed by Fernstrom (lines 27-49 column 2; lines 10-27 column 4).

**As to claim 9**, Fernstrom further teaches receive said echo events and pace the transmission of said input events to be shared in accordance with an echo delay. (...the sending station receives status byte within a predetermined time period after the beginning of the transmission of the data packet. If such an acknowledging status byte is not obtained, the sending station decides, that the connection line is not usable any longer..., lines 42-47 column 2).

**As to claim 10**, Fernstrom further teaches transmitting echo events at predetermined intervals (predetermined time period, lines 42-44 column 2).

**As to claim 15**, it is a system claim of claims 8-9. Therefore, it is rejected for the same reasons as claims 8-9 above.

**As to claim 16**, it is a system claim of claim 10. Therefore, it is rejected for the same reasons as claim 10 above.

### ***Response to Arguments***

7. Applicant's arguments filed 11/19/2004 have been fully considered but they are not persuasive.

Applicant argued that the cited references do not teach, "communicating a current state of a local window tree", "the inputs events are injected...remote application" (Remarks, first and second complete paragraphs page 9; first paragraph page 10; second complete paragraph page 11). In response, the applicant argued new limitations that were not claimed before. However, these new limitations are still met by the cited references as disclosed in the claim rejections above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents


P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H  
May 11, 2005

  
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